

**STATEMENT OF
THE HONORABLE JAMES L. OBERSTAR
HEARING ON PUBLIC TRANSIT SAFETY: EXAMINING THE FEDERAL ROLE
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
DECEMBER 8, 2009**

I want to thank Chairman DeFazio and Ranking Member Duncan for holding this important hearing today.

This hearing has come at the end of a long series of hearings that the Subcommittee has held over the past three years, exploring emerging issues in transportation policy and practice, the needs of our national surface transportation system, and the authorization of our surface transportation laws.

Improving transportation safety will be an important issue for this Committee as we continue to move forward with the Surface Transportation Authorization Act.

This transformational bill calls for a substantially increased level of investment in the nation's highways, bridges, transit systems, and nonmotorized transportation systems, to begin to address the growing investment gap in the nation's infrastructure, and in doing so, create six million family-wage jobs.

But the solution to the challenges facing our transportation system requires more than just greater investment. Existing Federal transportation policies are outdated and ill-equipped for meeting the demands of a changing nation and building a 21st Century surface transportation system, and I commend the Department of Transportation for focusing its first legislative proposal on improving transit safety.

The safety of our transit systems is especially important in light of the public transportation renaissance taking place in cities large and small across America.

In 2008, Americans took 10.7 billion unlinked transit passenger trips on public transportation systems, representing the highest transit ridership levels in 52 years. This increase in transit ridership is almost triple the growth rate of the population, and substantially more than the growth rate for vehicle miles traveled on our nation's highways.

Unfortunately, the state of good repair of many transit systems has been decreasing to a point where older, less safe rail cars, tracks, electrical equipment, and other assets are left in service long after their useful life.

According to the Federal Transit Administration, more than one-third of the total assets of the largest rail systems in the country are in either marginal or poor condition, and the estimated maintenance backlog for the nation's rail transit systems exceeds \$80 billion.

At the same time, rail transit remains one of the safest modes of passenger transportation. In recent years, the fatality rate for rail transit systems – such as subways and light rail – has decreased to just .002 fatalities per 100 million passenger miles. However, a few recent rail transit accidents have exposed weaknesses in the current state of rail transit safety. We need to ensure that passengers feel completely safe as they board rail transit systems in their daily lives, as ensuring safety is a key component creating livable communities.

Currently, there are no nationwide mandatory minimum standards for rail transit safety. Unlike the Federal Aviation Administration and the Federal Railroad Administration, the Federal Transit Administration does not have the authority to directly regulate public transit systems.

Instead, FTA's State Safety Oversight (SSO) program, created in 1991, requires that States must enforce safety requirements for rail transit systems. However, the legal authorities of the various State oversight agencies are limited and vary widely from State to State.

According to a Government Accountability Office (GAO) report in 2006, some States employ as few as 0.1 or 0.2 full-time equivalent positions dedicated to the safety of rail transit systems they are required to oversee. GAO also found that many SSOs lack sufficient financial resources and independence from the transit systems under their purview.

I commend the Administration for acknowledging the shortfalls of the current system and for acting in an intermodal manner to put together a plan to enhance transit safety. Today, Secretary LaHood will provide this Committee with the details of the Administration's plan, and I look forward to working with him on this proposal.

I appreciate the Secretary's dedication to the issue of transportation safety. I further commend him for creating a new safety council within DOT, designed to enhance the culture of safety at the Department.

This hearing provides us an opportunity to examine the important issue of rail transit safety carefully. I want to welcome and thank all of our witnesses for

being here today. I look forward to hearing your testimony on this critical issue.